

Remarks

The Specification has been amended to update the status of parent Application S.N. 08/910,516, now Patent No. 5,823,598. The Examiner has requested that the principle feature distinctions in this application be set forth, these features including:

1. a hidden storage system mounted in an enclosure of a vehicle so as not to increase the width of the vehicle and with minimal change in the external appearance of the vehicle compared to an identical vehicle without the hidden storage system;
2. the storage system includes a box having an opening mounted adjacent the side panel of the vehicle, and at least one hinged side panel section which provides the only access to the interior of the box;
3. means for at least assisting in opening the hinged side panel section.

Regarding the Examiner's contention that a vehicle with and without the claimed hidden storage system could not have an identical width or a substantially identical external appearance, attention is directed to the enclosed brochure prepared by Applicants and entitled "Hide-N-Side - The Next Generation in Pickup Trucks". As shown in the brochure, the hidden storage is incorporated into the side panels of a Dodge Ram 2500, and if the pickup of the brochure was parked by another Dodge Ram 2500 without the storage system, the only visible different is the horizontal cut line extending from beneath the

taillight, below the trim line and forward to the front edge of the bed. Note that this cut line is located so as to blend into the trim line of the cab. Applicants have attempted to set forth this comparison in the claims to establish that the claimed hidden storage system does not change the width of the vehicle in which it is mounted nor does it cause any substantial change in the external appearance of the vehicle containing the hidden storage compared to the external appearance of an identical vehicle without the hidden storage system. All the cited prior art teach vehicles with storage systems but which are apparent ("not hidden") due to exposed locks, latches, hinges, etc.

The 35 USC 12 Rejection

Claims 1-48 are rejected under 35 USC 112, second paragraph, as being indefinite. It is submitted that the terminology "does not substantially alter" and "without increasing the width" are not negative limitations when read in full context of the clause of Claim 1, for example. In an effort to overcome these objections, Claim 1 has been amended to set forth these features in a more positive manner. Applicants would consider any suggested terminology by the Examiner that would accurately define these features. The objections to Claims 5, 31, 35 and 45 are deemed to have been overcome by the amendments to the claims. Thus, this ground of rejection should be withdrawn.

The Prior Art Rejections

Claims 1-5, 7, 10, 11, 14, 25, 27-28, 31, 33, 35, 36, 38, 39, 41, 43-45, 46, 47 and 48 are rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Ward. First, the storage system of Ward is hung on the exterior of the pickup bed which significantly increases the width of the bed and significantly changes the external appearance of the bed compared to the width and appearance of the bed before the storage system was added. Ward involves a conventional pickup truck bed having side panels which include inner and outer panels, the inner panel shown at 52, but the outer panel has been removed and replaced by the storage system. As best as can be determined, the original side panel of Ward has a width of that shown at 42 in Fig. 1, the added storage system has a width of that indicated at 62 in Fig. 1, and thus the width of the bed with the storage system is significantly greater than the width before the storage system was added. As to the external appearance of Ward, one can only assume that the original side panels had a conventional bed contour which may have included fender sections, as known in the art. The external appearance of the bed of Ward, after the addition of the storage system, is significantly different than that of a conventional contoured side panel of a pickup truck bed. Thus, the width and external appearance of the claimed vehicle differs dramatically from that of Ward, as evidenced by the enclosed above referenced brochure illustrating a

Dodge Ram 2500 pickup truck with a storage system of the type defined in the claims and generally similar to that illustrated in Fig. 18 of the instant invention. Claim 1, for example, sets forth "at least one storage box having an opening to expose the interior thereof". Where is the claimed "storage box" taught by Ward? Claim 1 also sets forth "at least one mechanism mounted to at least assist in opening and to releasably secure said at least one hinged section of said one side panel". Where in Ward is there a "mechanism" for assisting "in opening" the hinged panel 66 of Ward? Such "mechanism" simply does not exist in this reference. Since the storage system of Ward is mounted on the exterior of the bed side panels, there is no "storage box" which extends "along at least a section of a floor of said vehicle" as recited in Claim 3. Ward does not teach "at least one strut assembly" as recited in Claim 10, and even though strut assemblies per se are known in the art, the Examiner is obligated to cite prior art showing such. Ward fails to teach the features of Claims 11 and 45, and no prior art has been cited to teach a "strut assembly" with "insulation" even though insulation per se is known in the art. Where is the claimed "drain/air relief valve assembly" of Claims 14 and 46 found in Ward? The Examiner contends that such are known in the art but has failed to cite prior art in support thereof, particularly in a storage system in a vehicle. Ward fails to teach any of the shelf arrangement of Claim 24, and no prior art has been cited to support the Examiner's contention that vehicle storage

systems have "movable shelves". The Ward pickup truck bed clearly does not teach the "enclosure" set forth in Claims 25, 27-28, 31 and 33. These claims are directed to the embodiments of Applicants' Figs. 5-8 and 20 and not to a pickup truck bed as taught by Ward. Claims 35 and 43 include features similar to Claim 1 discussed above and are not taught nor suggested by Ward since Ward does not teach the claimed "storage box" located intermediate the side panels and over the floor as set forth in these claims and since in Ward the storage area is located externally of the side panels and not over the floor.

In view of the amendments to the claims and the foregoing comments, it is clear that Ward fails to support a rejection of these claims under either 35 USC 102 or 35 USC 103 and these rejections should be withdrawn. As to features in these claims where no prior art has been cited to support the Examiner's contention that such features are "common knowledge in the art", the Examiner is called upon to cite prior art or withdraw the rejection of these claims.

Claims 12, 30, 34, 37 and 42 are rejected under 35 USC 103(a) as unpatentable over Ward in view of Douglass, Jr. Claim 12 depends from Claim 1, Claims 30 and 34 depend from Claim 25, and Claims 37 and 42 depend from Claim 35 and include all the structural features of the parent claims. As pointed out above, Ward fails to teach the features of parent Claims 1, 25 and 35. Thus, to provide the bed of Ward with multiple hinged section, as taught by Douglass, Jr., would not provide the teachings lacking in Ward. As to Claim

37, the height of the storage box compared to the height of the side panel is a structural feature and a patentable distinction unless prior art teaching such is cited. This feature is illustrated in Applicants' Figure 2. In view of the foregoing, this ground of rejection should be withdrawn.

Claims 32 and 40 are rejected under 35 USC 103(a) as unpatentable over Ward in view of Ogilvie (713). Claim 32 depends from Claims 31 and 25 while Claim 40 depends from Claim 35. As pointed out above, Ward fails to teach the features of parent Claims 25 ad 35. Ogilvie also fails to teach the features of the parent claims lacking in Ward. Thus, while the specific features added by Claims 32 and 40 may be taught by Ogilvie, there is no teaching of the subject matter of the parent claims which is included in these claims. Thus, this ground of rejection should be withdrawn.

Claim 26 is rejected under 35 USC 103(a) as unpatentable over Ward in view of Powers. Claim 26 depends from Claim 25 and the "enclosure" of parent Claim 25 (directed to Applicants' Figs. 5-8 and 20) is clearly not illustrated in Ward. Powers teaches a truck comprising a cab and a covered bed or body. The cab in Powers, not the covered bed, has "a driver's side door". Thus, the storage system of Powers does not teach "an enclosure" with "a driver's side door in said enclosure" and said hidden storage system "located intermediate said driver's side door and said rear door" as set forth in Claim 26. Also, the storage areas of Powers are not hidden due to

the exposed to view hinges and latches. Thus, this ground of rejection should be withdrawn.

Conclusion

In view of the amendments to the claims and the foregoing comments, each ground of rejection is believed to be overcome. Thus, this application is deemed to be in condition for allowance based on Claims 1-5, 7, 10-12, 14, 24-28 and 30-48.

Date: 5-16-00

Respectfully submitted,

L. E. Carnahan

L. E. Carnahan  
Agent for Applicants  
Reg. No. 20,555  
Tel. No. (801) 731-5304

Enclosure:  
Hide-N-Side brochure